

### **REMARKS**

Entry of the foregoing and reconsideration of the subject application are respectfully requested in light of the amendments above and the comments which follow.

As correctly noted in the Office Action Summary, claims 1-4 were pending. By the present response, claims 2-4 have been amended, claim 1 canceled, and claim 63 has been added. Thus, upon entry of the present response, claims 2-4 and 63 remain pending and await further consideration on the merits.

Support for the foregoing amendments can be found, for example, in at least the following locations in the original disclosure: the original claims and the specification, page 29 and page 31.

### ***CLAIM FOR BENEFIT OF EARLIER FILING DATE AND CROSS-REFERENCE TO RELATED APPLICATIONS***

Enclosed herewith is a Petition Under 37 C.F.R. §1.78(a)(3) to Accept an Unintentionally Delayed Reference to a Claim under 35 U.S.C. § 120 and/or § 365. The present amendment to the specification makes the cross-reference to related applications required under 37 C.F.R. §1.78. It is respectfully requested upon granting of the petition that this application be accorded the benefit of the earlier filing date, as provided under 35 U.S.C. §§ 363 and 365.

### ***CLAIM REJECTIONS UNDER 35 U.S.C. §102***

Claims 1-4 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,595,187 to Bober (hereafter "*Bober*") on the grounds set forth in

paragraph 4 of the Official Action. For at least the reasons noted below, this rejection should be withdrawn.

The claims of the present application are directed generally to a booklet collection assembly. An exemplary booklet collection assembly is shown in Figure 23. Exemplary embodiments of the booklet collection assembly includes three subassemblies: a saddle assembly 252, a secondary paper drive assembly 254, and an injection finger assembly 256. The saddle assembly 252 collects the sheets after each has been folded, provides a stop for squaring up the sheets, and provides an anvil for stapling the sheets together. The secondary paper drive assembly 254 is separate from the paper drive assembly 140 and moves the sheets after they have been folded and leave the fold mechanism 210. The secondary paper drive assembly 254 is attached to the saddle assembly and translates with it. The ejection finger assembly 256 lifts the booklet up and off the saddle after the booklet is stapled. The ejection finger assembly 256 is also attached to the saddle assembly and translates with it. The saddle assembly 252 includes a saddle 259 that is an elongate, movable bar or workpiece having an inverted V-shape that extends transversely across the booklet maker and acts to collect the sheets after each has been folded and prior to being stapled. The saddle 259 has a saddle peak 260 which is a sharp edge along the top margin of the saddle. The saddle peak is a datum that lines up the folds in the sheets. Each fold is indexed by the saddle peak and lines up along the saddle peak after leaving the fold mechanism 210. The saddle 259 also has an edge stop 261 against which all the folded and stacked sheets are aligned before stapling.

In keeping with the general features and descriptions of exemplary embodiments, claim 4 recites that an apparatus for stacking sheets of printing media, such sheets having folds therein, comprises, *inter alia*, a workpiece that stacks the sheets, sheet-by-sheet, and registers the sheets on the folds, means for positioning the sheets, sheet-by-sheet, with respect to the workpiece connected thereto, thereby stacking the sheets, and means, connected to the workpiece, for unloading the sheets from the workpiece after a stack is formed, means for unloading lift the sheets off the workpiece normal to a direction of a center line of the sheet. In one exemplary embodiment and has recited in claim 63, the means for unloading are ejector fingers.

The *Bober* patent discloses an on-line saddle stapler. As shown in Figures 2 and 3, the saddle stapler of the *Bober* patent includes creasing die roller pair 72-74 for creasing each copy as it enters the on-line saddle stitcher 70. See column 3, lines 43-45. The weakened area 76 of the sheets [formed by the die roller pair] facilitates folding of the sheets onto "roof shaped" compiler tray 79. See column 3, lines 55-57. Paddle wheel 77 with paddle 78 strikes the sheets as they leave the creasing rolls and propels the sheets toward retractable registration gates 80 and 83. See column 3, lines 59-61. The compiler tray 79 is located at an angle of about 30° from a horizontal plane. With this angle position, the drive of the creasing roll and the force applied to the sheets by paddle 78, the sheets are registered on the tray against first registration gates 80 and 81 and centered on the peak of the "roof-shape" tray. See column 4, lines 12-17. Once a set is compiled, the stapler is actuated. See column 4, lines 21-22. Registration gates 80 and 81 are then retracted allowing gravity and paddle wheel 77 to slide the book 5 inches downhill

into second registration gates 83 and 84. The stapler is again actuated and thereby making the second staple. The second gates are then retracted allowing the flat open book to fall into output stacker 96. See column 4, lines 26-32. Thus, *Bober* is concerned with a simplified booklet maker which collects, aligns, and staples sheets. The stapled sheets are then removed by gravity as the sheets slide down the compiler tray 79 to the stacker 96.

Comparing the disclosure of *Bober* to the claims of the present application at issue here, the *Bober* patent removes the assembled stack of sheets from the compiler tray 79 by gravity (the compiler tray is located at a angle of about 30° from a horizontal plane) and assisted by the paddle wheel 77. Thus, the *Bober* patent does not disclose means, connected to the workpiece, for unloading the sheets from the workpiece after a stack is formed, wherein means for unloading lifts the sheets off the workpiece normal to a direction of a center line of the sheet. In light of at least this difference, applicant respectfully submits that an anticipatory rejection is improper since *Bober* does not disclose the invention as claimed.

**CONCLUSION**

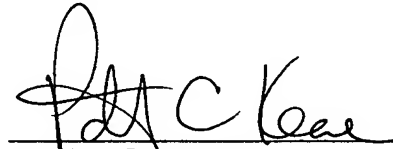
From the foregoing, further and favorable action in the form of a Notice of Allowance is earnestly solicited. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

Respectfully submitted,

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By: \_\_\_\_\_



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